

STATE OF INDIANA

IN THE ORANGE CIRCUIT AND
SUPERIOR COURTS

SS:

COUNTY OF ORANGE

2005 ANNUAL TERM

IN RE THE MATTER OF ADOPTION
OF LOCAL RULES

LOCAL RULES

Comes now Larry R. Blanton, Judge of the Orange Circuit Court, and R. Michael Cloud, Judge of the Orange Superior Court and pursuant to Trial Rule 81 of the Indiana Rules of Trial Procedure, do now propose and adopt the following rules to aid in the fair and efficeint resolution of disputes. These rules are promulgated in accordance with Trial Rule 81 (D) as an exception to the schedule since we find that good cause exists for deviation from the normal schedule.

The local rules shall be indexed as follows:

LR59-AR 00-1	CASELOADS
LR59-AR 15-1	COURT REPORTER SERVICES
LR59-CR 2.2-1	ASSIGNMENT OF CRIMINAL CASES
LR59-TR 79-1	SELECTION OF SPECIAL JUDGES IN CIVIL CASES

These rules shall be effective on December 1, 2005, or when approved by the Indiana Supreme Court if required.

The Clerk of the Orange Circuit Court shall post a copy of these rules in her office for a period of thirty (30) days commencing immediately.

All local rules of the Courts of Orange County previously adopted are repealed.

SO ORDERED THIS 28th DAY OF OCTOBER, 2005.


LARRY R. BLANTON, JUDGE
ORANGE CIRCUIT COURT


R. MICHAEL CLOUD, JUDGE
ORANGE SUPERIOR COURT

STATE OF INDIANA

IN THE ORANGE CIRCUIT AND
SUPERIOR COURTS

SS:

COUNTY OF ORANGE

2005 ANNUAL TERM

IN RE THE MATTER OF ADOPTION
OF A LOCAL RULE IN REGARD TO
CASELOADS

LR59-AR 00-1

The Courts of Orange County, Indiana adopt the following local rule in regard to caseloads pursuant to the Indiana Supreme Court's *Order for Development of Local Caseload Plans* entered July 16, 1999, and with the goal that neither the caseload of the Judge of the Orange Circuit Court nor the caseload of the Judge of the Orange Superior Court deviate above or below the county average caseload (as measured by the weighted caseload measurement system) by more than twenty-five (25) percentage points.

1. Unless precluded by state statute or state court rule, the following types of causes shall be filed exclusively in the Orange Superior Court:
 - a. Infractions ("IF" cause numbers),
 - b. Ordinance Violations ("OV" and "OE" cause numbers),
 - c. Criminal Misdemeanors ("CM" cause numbers),
 - d. Criminal Class D Felonies ("FD" cause numbers),
 - e. Protective Orders ("PO" cause numbers),
 - f. Small Claims ("SC" cause numbers),
 - g. Civil Plenary Cases in which the debt or damage claimed, or value of the property sought does not exceed \$10,000.00 ("PL" cause numbers),
 - h. Civil Collection Cases in which the debt or damage claimed, or value of the property sought does not exceed \$10,000.00 ("CC" cause numbers),
 - i. Domestic Relations cases filed by the law firm of Blanton and Branstetter ("DR" cause numbers),
 - j. Domestic Relations cases filed between July 1st and September 30th inclusive ("DR" cause numbers), and
 - k. Miscellaneous Civil cases in which the debt or damage claimed, or value of the property sought does not exceed \$10,000.00, and which do not seek injunctive relief ("MI" cause numbers).
2. Unless precluded by state statute or state court rule, Miscellaneous Criminal cases ("MC" cause numbers) and Search Warrants may be filed in either in the Orange Circuit or Superior Courts.
3. Petitions for Post Conviction Relief ("PC" cause numbers) seeking relief from a prior Judgment of the Orange Circuit Court shall be filed in the Orange Circuit

Court. Petitions for Post Conviction Relief ("PC" cause numbers) seeking relief from a prior Judgment of the Orange Superior or Orange County Court shall be filed in the Orange Superior Court.

4. Unless precluded by state statute or state court rule, all other causes shall be filed exclusively in the Orange Circuit Court.
5. This rule does not preclude the following filings in the Orange Circuit Court:
 - a. Petitions for Protective Orders filed within a pending Orange Circuit Court Domestic Relations case ("DR" cause numbers),
 - b. Criminal Class D Felonies and Misdemeanors filed as counts to a more serious criminal charge filed in the Orange Circuit Court ("MR", "FA", "FB", and "FC" cause numbers), and
 - c. Criminal Class D Felonies ("FD" cause numbers) and Criminal Misdemeanors ("CM" cause numbers) filed when the same Defendant has more serious criminal charges pending in the Orange Circuit Court.

STATE OF INDIANA

IN THE ORANGE CIRCUIT AND
SUPERIOR COURTS

SS:

COUNTY OF ORANGE

2005 ANNUAL TERM

IN RE THE MATTER OF ADOPTION
OF A LOCAL RULE IN REGARD TO
COURT REPORTER SERVICES

LR59-AR 15-1

The Courts of Orange County, Indiana adopt the following local rule for Court Reporter services pursuant to Administrative Rule 15.

1. Each Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the court during any regular work hours, gap hours, or overtime hours.
2. Regular working hours shall be 35 hours per week. Gap hours shall be hours worked in excess of 35 hours per week. Overtime hours shall be hours worked in excess of 40 hours.
3. That for any gap or overtime hours worked, the Court and the Court Reporter shall enter into a written agreement whereby compensation for such work shall be as follows:
 - a. Compensatory time off from regular work hours shall be given in an amount equal to the number of gap hours worked.
 - b. Compensatory time off from regular work hours shall be given in the amount of one and one-half (1 ½) times the number of overtime hours worked.
4. The Court Reporter shall be compensated at the rate of \$4.50 per page for any county indigent, state indigent or private ordinary transcripts prepared. Index and Table of Contents pages shall be charged at the rate of \$3.50 per page. The Court Reporter shall submit directly to the county a claim for the preparation of the county indigent transcripts as other county claims are submitted. If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be \$10.00 where the transcript must be prepared within 24 hours or less and \$7.00 where the transcript must be prepared within 3 working days; provided however that there shall be a minimum fee of \$45.00 for expedited transcripts.

5. A minimum fee of Forty Dollars (\$40.00) will be charged for ordinary transcripts less than seven (7) pages in length.
6. An additional labor charge approximating the hourly rate based upon the court reporter's annual compensation shall be charged for the time spent binding the transcripts and the exhibit binders.
7. The court reporter may charge a reasonable charge for the office supplies required and utilized for the binding and electronic transmission of the Transcript, pursuant to Indiana Rules of Appellate Procedure 28 and 29. The costs for these supplies shall be determined pursuant to a Schedule of Transcript Supplies which shall be established and published annually by the judges of Orange County.
8. If a transcript is prepared for the purposes of appeal, the original paper transcript shall be forwarded to the Clerk upon completion. The Court Reporter is also directed to produce two copies of an electronically formatted transcript, one of which shall become an official record of the court proceedings and kept in the court where said proceeding was held, and the other of which shall be submitted to the Clerk along with the original paper transcript.
9. Any transcript prepared for reasons other than appeal shall be delivered to the requesting party.
10. Each Court Reporter who receives income from the preparation of transcripts shall report such amounts, at least annually, to the Indiana Supreme Court Division of State Court Administration on forms prescribed by such Division.
11. This rule is purposefully silent as to the hours during which court reporters may prepare transcripts, as to whether court reporters must reimburse the Court for use of its equipment and work space in preparing transcripts, and as to whether court reporters must furnish their own supplies when preparing transcripts. The Judges of the Orange Circuit and the Orange Superior Courts retain their individual authority to make rules on such matters applicable only to their particular Court.
12. Should any Court Reporter elect to engage in the private business of recording and/or transcribing depositions, they shall do so outside the employee's scheduled working hours, on the employee's time off, or the employee may elect to use compensatory time. Each Court shall be responsible for setting the amount of reimbursement and fees for the use of the Court's equipment and work space. The Court Reporter shall furnish her own supplies for such purposes.

STATE OF INDIANA

IN THE ORANGE CIRCUIT AND
SUPERIOR COURTS

SS:

COUNTY OF ORANGE

2005 ANNUAL TERM

IN RE THE MATTER OF ADOPTION
OF A LOCAL RULE IN REGARD TO
ASSIGNMENT OF CRIMINAL CASES

LR59-CR 2.2-1

The Courts of Orange County, Indiana adopt the following local rule in regard to assignment of criminal cases, and pursuant to Rule 2.2 of the Indiana Rules of Criminal Procedure.

1. All misdemeanors and Class D felonies shall be assigned to, and filed in the Orange Superior Court.
2. All other felonies shall be assigned to, and filed in the Orange Circuit Court.
3. This rule does not preclude the following filings in the Orange Circuit Court:
 - a. Criminal Class D Felonies and Misdemeanors filed as counts to a more a serious criminal charge filed in the Orange Circuit Court ("MR", "FA", "FB", and "FC" cause numbers), and
 - b. Criminal Class D Felonies ("FD" cause numbers) and Criminal Misdemeanors ("CM" cause numbers) filed when the same Defendant has more serious criminal charges pending in the Orange Circuit Court.
4. The Judge of the Orange Circuit Court or Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign to the other court a pending Class D Felony or Misdemeanor case, provided the receiving Court accepts jurisdiction of such matter.
5. Because this assignment rule provide for all misdemeanors and Class D felonies to be filed in the Orange Superior Court, and for all other felonies to be filed in the Orange Circuit Court, with the only exceptions being those outlined in Sections 3 & 4 of this rule, so long as the regular judge of the Orange Circuit or Superior Court is presiding on the case at the time of dismissal, it is not necessary to make further provisions for continued assignment of a judge in the event of dismissal. In those circumstances, continued assignment in the event of dismissal shall occur as the inevitable result of compliance with this rule.
6. If a special judge is presiding on a case in either the Orange Circuit or Orange

Superior Court, and a dismissal occurs, all felony or misdemeanor charges filed against the same defendant within the next six months which are based upon the same facts and circumstances, shall be assigned to the special judge from whom the dismissal was taken.

7. In the event of disqualification, recusal, or other change of judge, a pending felony or misdemeanor case shall be reassigned in the court where pending to the judge from the other court in the County. In the event neither the Judge of the Orange Circuit or Orange Superior Court can exercise jurisdiction, the case shall be reassigned in the court where pending in seriatim order to one of the following judges from contiguous counties: the Judge of the Crawford Circuit Court, and the Judge of the Martin Circuit Court.
8. In the event these rules fail to assign a case or unique circumstances presented in a particular proceeding preclude local assignment, the judge before whom the case is pending may request the Indiana Supreme Court to appoint a special judge for the case.

STATE OF INDIANA

IN THE ORANGE CIRCUIT AND
SUPERIOR COURTS

SS:

COUNTY OF ORANGE

2005 ANNUAL TERM

IN RE THE MATTER OF ADOPTION
OF A LOCAL RULE IN REGARD TO
SELECTION OF SPECIAL JUDGES
IN CIVIL CASES

LR59-TR 79-1

The Courts of Orange County, Indiana adopt the following local rule in regard to selection of special judges in civil cases.

1. When appointment of a special judge is required in a civil case under Rule 76 of the Indiana Rules of Trial Procedure, and a special judge does not accept the case under Sections (D), (E) or (F) of Rule 79 of the Indiana Rules of Trial Procedure, or when a judge disqualifies and recuses under Section (C) of Rule 79 of the Indiana Rules of Trial Procedure, the matter shall be certified to the Administrative Assignment Judge for Administrative District 14 who shall appoint a special judge pursuant to District 14 rules which promote the effective use of all judicial resources within the district, and pursuant to Rule 79 (H) of the Indiana Rules of Trial Procedure.
2. If the procedure outlined above does not produce a special judge who is eligible to serve, or if the particular circumstances of a case warrant selection of a special judge by the Indiana Supreme Court, the matter shall be certified to the Indiana Supreme Court for appointment of a special judge.
3. Notwithstanding any other provision of this rule, if and when the regular Judge of the Orange Circuit Court disqualifies and recuses in a case under Section (C) of Rule 79 of the Indiana Rules of Trial Procedure because of the appearance of the law firm of Blanton & Branstetter, the Judge of the Orange Superior Court shall be appointed special judge therein.